THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.4991 OF 2006

-

Dated: 14-03-2006

-

Between

Vakkalagadda Narayana Murthy,

S/o. Venkata Subba Rao,

Occ: Business, Kaveri and

Kamakshi Travels, Shop No.12,

Municipal Complex, Near RTC Bus

Stands, Chirala, Prakasam District.

...PETITIONER

AND

The Municipal Commissioner,

Chirala Municipality, Chirala,

Prakasam District and others.

...RESPONDENTS

-

ORDER:

-

-

Petitioner questions the notice dated 07.12.2005 issued in Roc.No.157/05/A1 by the first respondent directing the Benami holders in occupation of the shops and doing business

without having any lease hold rights, to evict the shops in Municipal Complex, Near RTC Bus Stand, Chirala, Prakasam District, on or before 10.12.2005 before 5 PM in default the municipal authorities will take possession of the same and the EMD amount of six months will be forfeited after deducting the arrears, if any, and the remaining amount will be paid to the original leaseholders.

Learned counsel for the petitioner submits that shop No.12 was originally allotted in favour of Sri Vanama Raja Rao and the petitioner being physically handicapped, he was in occupation and possession of the same and it is his case that he is entitled for renewal of the lease on enhancement of 33 1/3% of the existing lease as in respect of the similarly situated persons the lease has been extended on enhancement of 33 1/3% of the existing lease. It is further stated that the petitioner made a representation on 09.01.2006 before the first respondent but the first respondent without considering the representation is proceeding to auction the leasehold rights of the said shop.

I am not inclined to express any opinion on the merits of the case but as a representation is filed, the first respondent is directed to consider and dispose the representation filed by the petitioner in accordance with law.

The writ petition is accordingly disposed of.

_____

V. ESWARAIAH, J

March 14, 2006

DSK